

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, *ex rel.*  
DILBAGH SINGH, M.D., *et al.*,  
  
Plaintiffs,  
  
v.  
  
BRADFORD REGIONAL MEDICAL CENTER,  
*et al.*,  
  
Defendants.

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) CIVIL ACTION NO. 04-186-E  
)  
) JUDGE COHILL  
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## RELATORS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, Relators Dilbagh Singh, M.D., Paul Kirsch, M.D., V. Rao Nadella, M.D., and Martin Jacobs, M.D. hereby move for summary judgment against Defendants Bradford Regional Medical Center (“BRMC”), V&S Medical Associates, LLC (“V&S”), Peter Vaccaro, M.D., and Kamran Saleh, M.D.

As set forth more fully in the attached brief, the undisputed evidence establishes that BRMC knowingly submitted numerous false claims to the Medicare program for inpatient and outpatient hospital services arising out of referrals from Drs. Vaccaro and Saleh. These claims were false because they were submitted in violation of the Stark II statute, 42 U.S.C. § 1395nn, and the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(b), and their accompanying regulations. The evidence also demonstrates that V&S and Drs. Vaccaro and Saleh (the “V&S Defendants”) caused the submission of such claims, in that they knowingly made prohibited referrals to BRMC. Accordingly, Defendants are liable to the United States under the False Claims Act, 31 U.S.C. § 3729 *et seq.*

With respect to the Stark statute, the evidence clearly establishes that BRMC had a non-exempt “financial relationship” with Drs. Vaccaro and Saleh and their medical practice. As a result, (i) Drs. Vaccaro and Saleh were prohibited from making referrals to BRMC for “designated health services,” including inpatient and outpatient hospital services, payable under the Medicare program; (ii) BRMC was prohibited from submitting claims to Medicare based on such referrals; and (iii) Medicare was prohibited from making payment on such claims. With respect to the Anti-Kickback Statute, the evidence clearly establishes that BRMC offered and paid remuneration to the V&S Defendants, and the V&S Defendants solicited and accepted such remuneration, in order to induce or reward referrals for medical services payable under federal healthcare programs.

As set forth in the accompanying brief, Relators are entitled to complete summary judgment as to Defendants’ liability under the False Claims Act. However, if the Court does not grant complete summary judgment, Relators request partial summary judgment on at least the following issues:

1. That a “financial relationship” existed between BRMC and Drs. Vaccaro and Saleh pursuant to the Stark statute;
2. That Defendants do not qualify for any exception under the Stark statute;
3. That BRMC offered and paid remuneration to the V&S Defendants, and the V&S Defendants solicited and accepted such remuneration, as an inducement or reward for referrals of medical services payable under federal healthcare programs in violation of the Anti-Kickback Statute;
4. That Defendants do not qualify for any safe harbor under the Anti-Kickback Statute;

5. That BRMC submitted claims for payment to Medicare based on referrals from Drs. Vaccaro and Saleh pursuant to the Stark and Anti-Kickback Statutes, and received payment from Medicare for such claims;
6. That the V&S Defendants caused the submission of such claims; and
7. That Defendants acted knowingly, as that term is used in the False Claims Act.

In support of this motion, Relators submit the accompanying Brief in Support of Relators' Motion for Summary Judgment; Relators' Concise Statement of Material Facts; and the Appendix in Support of Relators' Motion for Summary Judgment.

This 10<sup>th</sup> day of September, 2008.

Respectfully submitted,

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Certificate of Service

I hereby certify that on September 10, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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This 10<sup>th</sup> day of September, 2008.

Respectfully submitted,

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